

**UNITED STATES DISTRICT COURT-
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 09-275
v.	*	SECTION: "R"
STACIE WHEATEN	*	

* * *

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits including the testimony of special agents of the United States Postal Inspection Service, employees of the American Red Cross ("Red Cross") and others, the following facts to support the allegations charged by the United States Attorney in the Indictment now pending against the defendant, **STACIE WHEATEN**.

An employee of the Red Cross would testify that in the weeks and months after Hurricane Katrina, which struck southeastern Louisiana on August 29, 2005, the Red Cross maintained disaster recovery centers to assist victims of Hurricane Katrina. Through these recovery assistance efforts, the Red Cross provided financial assistance to residents displaced or otherwise affected by Hurricane Katrina. People affected by the storms were able to apply for a one-time financial grant of up to \$1,565 from the Red Cross. In order to receive these funds, applicants needed to present

identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to swear and attest that they had not received any prior financial assistance from the Red Cross at any other Red Cross assistance location.

Competent testimony would be introduced to show that once an applicant had been approved, the Red Cross made these disaster assistance funds available in one of four ways: (1) A personal check made payable to the applicant, issued on-site, and cashed with the assistance of the Red Cross; (2) A Red Cross-issued Discover or Capital One card, issued on-site; (3) A Red Cross-issued Client Assistance Card, issued on-site, and purchased by the Red Cross from private banking institutions; (4) A personal check authorized by the Red Cross, issued by Paychex, Inc, and mailed to the individual.

An employee from Paychex, Inc., a Rochester, NY-based company that had volunteered its services to the Red Cross, would testify that the company processed and issued personal checks to applicants as deemed appropriate and authorized by the Red Cross. These checks were mailed to applicants via the United States Postal Service.

Testimony by an employee of the Red Cross and admissible exhibits would be introduced to prove that the defendant, **WHEATEN**, presented herself to Red Cross assistance centers on seventeen occasions between on or about September 10, 2005 and on or about October 26, 2005. On at least thirteen visits she indicated that she had not received any other financial assistance from the Red Cross.

As a result of her actions on these applications, **WHEATEN** was authorized to receive \$23,240 of Red Cross assistance. Of that amount, **WHEATEN** received direct financial assistance from the Red Cross totaling \$13,185, all of which was fraudulently obtained. Competent testimony

and admissible exhibits would be introduced to prove that on three of the seventeen occasions that **WHEATEN** applied for assistance, she received a personal check authorized by the Red Cross, issued by Paychex, and made payable to her. Paychex sent these three checks to her mother's P.O. Box, located in the Eastern District of Louisiana via United States Mail on the following dates and in the following amounts:

Count	Date Mailed	Amount	Check #	Address
1	10/17/2005	\$1,565	1016018880	P.O. Box 353 Gibson, LA
2	10/20/2005	\$1,265	1021024709	P.O. Box 353 Gibson, LA
3	10/24/05	\$1,265	1023017506	P.O. Box 353 Gibson, LA

Further testimony by employees of the Red Cross would be introduced to prove that the defendant was required to attest and affirm that she had not received any other financial assistance at any other Red Cross assistance center. Exhibits, including the defendant's applications on September 25, 2005, September 30, 2005, October 2, 2005, October 4, 2005, October 7, 2005, October 14, 2005, October 17, 2005, October 18, 2005, October 23, 2005, October 25, 2005, and October 26, 2005, would be introduced to show that the defendant specifically attested and swore that she had not received any other financial assistance from the Red Cross, when she had, in fact, received such assistance prior to these dates.

Testimony and exhibits would be presented to show that three checks were mailed on the October 17, 20, 24, 2005 as a result of the defendant's application at Red Cross assistance centers. An employee of Paychex would be called to testify as to the procedures and means by which the three checks came to be sent to **WHEATEN**'s mother's address of P.O. Box 353, Gibson, Louisiana. Through this witness, certain documents and exhibits would be offered and introduced into evidence

to prove that the defendant's fraudulent application and actions directly led to the mailing of the checks.

A witness from the United States Postal Inspector Service would testify that P.O. Box 353, Gibson, Louisiana belonged to **WHEATEN**'s mother, Florence Randle.

WHEATEN admits that she applied for Red Cross benefits seventeen times in September and October of 2005 and that she intended to defraud the Red Cross by indicating on each application that she had not previously applied for Red Cross benefits in the past. **WHEATEN** admits that she was aware she could only apply for Red Cross benefits one-time and acknowledges that her actions caused the mailing of three checks to her mother's address in the Eastern District of Louisiana, in violation of Title 18, United States Code, Section 1341.

READ AND APPROVED:

CYNTHIA CIMINO (Date)
Counsel for STACIE WHEATEN

SHARAN E. LIEBERMAN (Date)
Assistant U.S. Attorney

STACIE WHEATEN (Date)
Defendant